
 second jaw.

Please amend claim 4, line 1, by deleting "1" and inserting -- 5--, as shown below:

 **Claim 4.** The bungi cord as claimed in claim 5, wherein said first and second jaws have a plurality of teeth positioned on an inside surface of said first and second jaws.

REMARKS

Claims 4 and 5 remain in the application with claim 5 being the only independent claim.

With respect to the rejection of claims 1 -3, now claim 5, under 35 USC 103 over Vasilopoulos and Thurston, this rejection is respectfully traversed. Claim 5 requires, in lines 4 and 5, requires, "said second end having means for securing said second end to a support". This structure is missing from Vasilopoulos. The clip 92 of Vasilopoulos is not intended to be secured to a support. As disclosed in col. 4, lines 50 - 64, the jaws 97, 98 of clip 92 secure articles such as the bill of a hat or a glove. The bill of a hat or a glove can not be considered to be a "support" as claimed

in claim 5.

Before the USPTO, when evaluating claim language during examination of the application, the examiner is required to give the terminology of the claims its broadest reasonable interpretation consistent with the specification, and to remember that the claim language cannot be read in a vacuum, but instead must be read in light of the specification as it would be interpreted by one of ordinary skill in the pertinent art. See *In re Sneed*, 710 F. 2d 1544, 1548, 218 USPQ 685, 388 (Fed. Cir. 1983); *In re Bond*, 910 F.2d 831,833, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990) and *In re Morris*, 127 F. 3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).

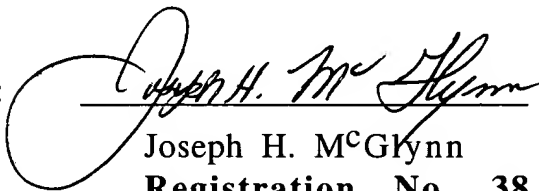
In addition, it would not be obvious to use the clip 92 of Vasilopoulos to secure to a support, since such an arrangement would server no purpose in the device of Vasilopoulos. Why would a person of skill in the art secure the golf bag 100 of Vasilopoulos to a support? Rejections based on 35 USC 103 must rest on a factual basis. In *re Warner*, 379, F.2d 1011, 1017, 154 USPQ 173, 177-78 (CCPA 1967). In making such a rejection, the examiner has the duty of supplying the requisite factual basis and may not, because of doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis.

Vasilopoulos does not disclose "means for securing said second end to a support", as claimed. Also, there is no reason to use the clip 92 of Vasilopoulos to secure the golf bag 100 to a support, since it will serve no purpose. Therefore, the rejection is improper and should be withdrawn.

From the above mentioned remarks and amendments, the Examiner's rejections and objections are thought to be overcome. Accordingly, this application is believed to be in condition for allowance. Therefore an early notice to this effect is respectfully requested.

Respectfully submitted,
Patent & Trademark Services, Inc.™

By:



Joseph H. McGlynn
Registration No. 38,028
6111 Saddle Horn Dr.
Fairfax, VA 22030
(703) 830-3534
FAX-(703) 830-5206

APPENDIX

[Claim 1. A bungi cord comprising:
an elastic cord having a first end and a second end,
said first end having a hook secured thereto, and
said second end having means for securing said second end to a
support,

said means for securing said second end to a support comprising a
first jaw and a second jaw,

said first and second jaws being secured together by a pivot, and
said first and second jaws being movable from a first position to a
second position about said pivot, and

wherein when said first and second jaws are in said first position,
they are closely adjacent one another, and

when said first and second jaws are in said second position, they are
remote from one another, and

means for holding said first and second jaws in said first position.

Claim 2. The bungi cord as claimed in claim 1, wherein said means
for holding said first and second jaws in said first position is a spring.

Claim 3. The bungi cord as claimed in claim 2, wherein said spring
is wound around said pivot and has a pair of arms,

one of said pair of arms engaging an outside surface of said first jaw, and

another of said pair of arms engaging an outside surface of said second jaw.]

Claim 4. The bungi cord as claimed in claim [1] 5, wherein said first and second jaws have a plurality of teeth positioned on an inside surface of said first and second jaws.